



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 24, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Bijan Basak, M.D.
9 Wyndshire Lane
Rochester, NY 14626

RE: License No. 101352

Dear Dr. Basak:

Enclosed please find Order #BPMC 97-322 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Thomas K. O'Malley, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : SURRENDER
OF : ORDER
BIJAN BASAK, M.D. : BPMC # 97-322
:
-----X

BIJAN BASAK, M.D., says:

On or about June 19, 1968, I was licensed to practice medicine as a physician in the State of New York having been issued License No.101352 by the New York State Education Department.

My current address is 9 Wyndshire Lane, Rochester, New York 14626 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

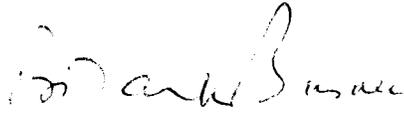
I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to voluntarily surrender my license as a physician in the State of New York on the grounds that I do not wish to contest the allegations against me. I have also decided to retire from the practice of medicine.

I hereby agree not to contest the allegations and one specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



BIJAN BASAK, M.D.
Respondent

Subscribed before me this
day of _____, 1997

NOTARY PUBLIC

AGREED TO:

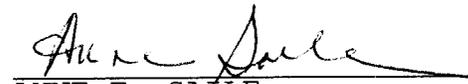
Date: _____, 1997

Esq.
Attorney for Respondent

Date: 11/15, 1997


THOMAS K. O'MALLEY
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 12/17, 1997


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of BIJAN BASAK, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

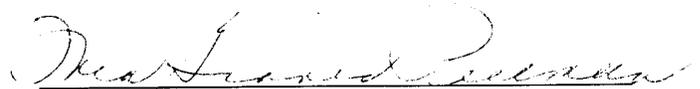
ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: 12-22-97

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct



BY: THEA GRAVES PELLMAN
Vice-Chair
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : STATEMENT
OF : OF
BIJAN BASAK, M.D. : CHARGES

-----X

BIJAN BASAK, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 19, 1968, by the issuance of license number 101352 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department with a current address as follows 9 Wyndshire Lane, Rochester, New York 14626.

FACTUAL ALLEGATIONS

A. During the period between June 1994 and July 9, 1996 Respondent an anesthesiologist who is not board certified rendered care to several patients namely Patient A and Patient B (attached hereto and made a part hereof as Appendix A). The overall management of anesthesiological care for said Patients, namely Patient A and B, deviated from the recognized standard of care in that Respondent's technique of induction was inappropriate and led to emesis, aspiration and "wet tap".

SPECIFICATION OF MISCONDUCT

FIRST SPECIFICATION
GROSS NEGLIGENCE

Respondent is charged with professional misconduct by reason of practicing the profession with gross negligence in violation of N.Y. Educ. Law §6530(4) (McKinney Supp.1997) in that Petitioner charges:

1. The allegations in paragraph A.

DATED: *December 16, 1997*

Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct